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*Attorneys for Plaintiffs Derive Power, LLC
and Derive Systems, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

DERIVE POWER, LLC; and
DERIVE

Plaintiffs

v

EZ LYNK, SEZC; H&S PERFORMANCE,
LLC; THOMAS WOOD; LANCE HUNTER;
TECHIT, LLC; GDP TUNING, LLC; and
POWER PERFORMANCE
ENTERPRISES, INC.,

Defendants.

Case No. 2:16-CV-01066-BSJ

**PLAINTIFFS' OPPOSITION TO NON-
PARTY CASEY SHIRTS'S MOTION TO
QUASH DISCOVERY ORDER AS
APPLIED TO HIS INDIVIDUAL
CAPACITY**

The Honorable Bruce S. Jenkins

Mr. Shirts's Motion to Quash should be denied as moot. The Court has already ordered, once again, that H&S produce all records and correspondence relating or referring to H&S, including from the personal files of Bentley Hugie and Casey Shirts.

On September 10, 2018, Derive filed its Renewed Motion to Compel Production of Documents by Defendant H&S and For Sanctions (the "Renewed Motion to Compel"), seeking to compel H&S to produce, among other documents, all relevant correspondence and banking records from the personal accounts of Mssrs. Hugie and Shirts. Dkt. 668. H&S opposed the Renewed Motion to Compel (Dkt. 673), and Mssrs. Hugie and Shirts filed Motions to Quash in their personal capacities (Dkt. 675, 682). Mr. Shirts's motion presented arguments almost identical to those made in Mr. Hugie's motion.

On September 24, the Court heard argument on Derive's Renewed Motion to Compel, as well as argument from counsel for both Mr. Hugie and Mr. Shirts. The Court then ordered that H&S produce all records and correspondence relating to or referencing H&S, including but not limited to documents from the personal files of Mr. Hugie and Mr. Shirts. Mr. Shirt's Motion to Quash should therefore be denied as moot.

Dated: September 28, 2018

Respectfully submitted,

/s/ Brent O. Hatch

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2018, I caused a copy of the foregoing to be filed using the Court's CM/ECF electronic filing system, which provides service to all counsel of record.

/s/ Brent O. Hatch

Brent O. Hatch, Esq.

HATCH, JAMES, & DODGE, P.C.